



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 606, SANTA CRUZ, CA 95060.4068
(831) 464-2040 FAX: (831) 464-2116

SAMUEL TORRES, JR., COUNTY COUNSEL

CHIEF ASSISTANTS
RAHNGARCIA
DANA McRAE

Assistants

Deborah Steen	Kim Baskett
Harry A. Oberhelman III	Julia Hill
Marie Costa	Shannon Sullivan
Jane M. Scott	Sharon Carey-Stronck
Tamyra Rice	Dwight L. Herr
Pamela Fyfe	

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda October 2, 2001

To: Board of Supervisors

Re: Claim of Agustin De Mello, No 102-024, Amended

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

- ☒ 1. Reject the claim of Agustin De Mello, No 102-024, Amended and refer to County Counsel.
- ☐ 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- ☐ 3. Grant the application to file a late claim on behalf of _____ and refer to County Counsel.
- ☐ 4. Approve the claim of _____ in the amount of _____ and reject the balance, if any, and refer to County Counsel.
- ☐ 5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT

By Janet McKinley
Janet McKinley, A R M , Risk Manager

SAMUEL TORRES, JR., COUNTY COUNSEL

By Kim Elizabeth Baskett
Kim Elizabeth Baskett, Assistant County Counsel

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 910 et Seq., Govt. Code)

De Mello

102-024, AMENDED

Amended Claim
Sept. 8, 2001

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060

0032

1. Claimant's Name: Agustin De Mello
Address: 412 West Cliff Drive
Santa Cruz, CA 95060
Phone No: 408-236-2145
P.O. Box to which notices are to be sent: P.O. Box 461, Moss Landing CA 95039
2. Occurrence: Break-in and assault by Santa Cruz Sheriff SWAT Team
Date: Mar. 15, 2001 Place: 412 West Cliff Dr. Santa Cruz, CA 95060
Circumstances of occurrence or transaction giving rise to claim: Santa Cruz Sheriff SWAT deputies broke into my residence (acting on false allegations made by Santa Cruz City police) - then seriously injured me (head and other body/arm areas).
3. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: Santa Cruz County Sheriff SWAT deputies seriously injured my head, broke my glasses and damaged my personal property and portions of home.
4. Name(s) of public employee(s) causing injury, damage or loss, if known: SC Sheriff SWAT deputies led by Charles Weaver & James Skillcorn (see list).
5. Amount claimed now \$ 222,930.00
Estimated amount of future loss, if known \$ _____
TOTAL \$ 222,930.00
6. Basis for above computations: See list - Note that surgery was performed for my head injury.
7. If the amount claimed is over \$10,000, indicate the court of jurisdiction:

_____ Municipal Court _____ ☒ Superior Court

CLAIMANT'S SIGNATURE:

Agustin De Mello

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2123). PER5003

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2/9-11-01

**P.O. Box 461
Moss Landing
CA 95039**

September 8, 2001

Janet McKinley
Risk Manager
County of Santa Cruz
701 Ocean Street, Suite 310
Santa Cruz, CA 95060-4073

Dear Janet McKinley:

I am responding to your letter of September 4, 2001. As per your request I am including additional information in this letter " along with an amended claim - although not enough space is provided in the claim form to provide all of the names of the 27 Santa Cruz police officers and sheriff deputies who were involved in the March 15, 2001 incident at my home. Most important are the names of the Santa Cruz County Sheriff's SWAT Team deputies whose names appear on the list I included with my original claim. These sheriff deputies are the members of the SWAT team who inflicted my personal injuries and destroyed or damaged my personal property and home when they broke into my home located at 412 West Cliff Drive in Santa Cruz on the morning of March 15, 2001,

Here are the specific charges I made against the Santa Cruz County Sheriff's SWAT Team which included members: Charles Weaver, James Skillicorn, Robert Pursley, James Thurber, Frank Gombos, Jeremy Verinsky, Steve Carney, Ray Hernandez, Gary McConnell, Gregory Lansdowne, Tom Gilbertson, Pat Dimick, Joe Clark, Jerry Ueblacker, William Gazza and Marty Eryavec. Members of this SWAT team entered my bedroom and threw me violently from my bed onto the floor after I explained that I was suffering from cancer pain and bleeding. The photos I included with my claim which were taken by the SWAT team and/or police officers/investigators clearly show the serious extent of the injuries I suffered at the hands of the SWAT team. I believe that an official SWAT or police videotape was also made at that time (which you should be able to obtain).

Sincerely,


Agustin De Mello

CC: Santa Cruz County Clerk, William Weigel, Attorney, and the South Valley Law Group